

SUMNER COUNTY ZONING BOARD OF APPEALS

MINUTES

MARCH 14, 2013

SUMNER COUNTY ADMINISTRATION BUILDING

COMMITTEE ROOM # 112

355 N. BELVEDERE DRIVE

GALLATIN, TN. 37066

MEMBERS PRESENT:

MARK MCKEE, JR. CHAIRMAN

BRUCE RAINEY, VICE-CHAIRMAN

SANDY WEBSTER

DON DICKERSON

MEMBERS ABSENT:

MARSH RAGLAND

STAFF PRESENT:

GARY L. HAMMOCK, DIRECTOR OF CONSTRUCTION AND DEVELOPMENT

LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF THE FEBRUARY **MINUTES BY MS. WEBSTER, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.**

1. THIS HAS BEEN DEFERRED BY COUNSEL UNTIL JUNE 2013: Jennings Hyde, etals are to show cause why the conditional use permit they received on October 9, 2008, to operate a multi-resident adult care facility (Biblical Concepts) should not be rescinded. This conditional use was approved with the following conditions, *which are to be provided to staff at this meeting:*

MOTION BY MR. RAINEY FOR APPROVAL OF THIS CONDITIONAL USE PERMIT WITH STANDARD EXCEPTIONS WITH THE FOLLOWING CONDITIONS: 1) THEY MUST GET THE PROPER BUILDING PERMIT FROM THE CODES DEPARTMENT, 2) THE CODES DEPARTMENT MUST TREAT THIS AS NEW CONSTRUCTION AS MUCH AS POSSIBLE, UNDER THE R4 CODES INSPECTIONS, INCLUDING THE ROOM, WIRING, INGRESS AND EGRESS, ADA COMPLIANCE, ETC. AND MUST PROVIDE A COPY OF ALL REQUIRED PERMITS DELIVERED TO THE PLANNING DEPARTMENT STAFF PRIOR TO THE OPENING OF THIS FACILITY, (WE DO NOT KNOW WHAT ALL

PERMITS ARE REQUIRED, BUT WE WANT A LIST OF WHAT PERMITS ARE REQUIRED, THEY WILL BE REQUIRED TO APPLY FOR A NEW SEPTIC LETTER, AND A FIRE HYDRANT MUST BE PLACED IN FRONT OF THE PROPERTY, SECONDED BY WEBSTER. MOTION PASSED UNANIMOUSLY. Subject property is located at 3523 Hwy 25 East, Castalian Springs, Tn., is on tax map 130, parcel 29.01, contains 5.11 acres and is zoned R1A.

NO ACTION WAS REQUIRED

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2. **Larry D. and Diane E. Kroll** were requesting a 12 foot side yard setback variance on the south side to build an addition on the existing home. Subject property is located at 2878 Highway 25, Cottontown, Tn., is on tax map 78, Parcel 19.04, being Lot 3 on the Plan of Barry Hills Subdivision, and is zoned Agricultural.

This was advertised in the Gallatin News Examiner on January 30, 2013. The adjoining property owners were notified by certified mail.

This was deferred thirty days in February, until in which time they could have this property surveyed and a plat amendment recorded.

David Kroll (Larry and Diane Kroll's son) came forward to represent and explain this request. He also furnished this body with a survey that was requested by this body last month.

Mr. Rainey asked what type of rooms would be in this addition.

David Kroll responded to Mr. Rainey by saying there would be a bonus room and a bathroom.

Mr. Rainey asked David Kroll what would prohibit you from keeping the addition the same size, but making it shorter and longer. In other words you would not be changing the shape of it, but the square footage.

There was discussion about not being sure where the septic lines are located which would affect the placement of the addition.

Mr. Rainey stated that they (Kroll's) have not explored enough of other possibilities regarding placement of the addition.

Mr. Rainey stated that according to the survey provided to us tonight, this addition would need a 15 foot variance, which means this would be five (5) feet off the property line. He stated he did not want to start a precedence of granting fifteen (15) foot variances. Mr. Rainey stated that he felt the Kroll's should pursue a different type of addition. He explained that he (David Kroll) did not make enough of a case to justify a fifteen (15) foot variance.

Chairman McKee opened the floor for the public hearing.
There was no one present to speak for or against this request.

There was discussion.

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Motion by Mr. Rainey that we grant a five foot side yard variance (which means they can build within fifteen (15) feet of the property line,) if they can come back before this body and can prove exactly where the septic tank/field lines are located, this would possibly give us grounds to grant an additional variance, at this time I do not feel that we have grounds to grant a fifteen (15) foot side yard setback, seconded by Mr. Dickerson. Motion passed unanimously.

Mr. Hammock stated for the record the previous proposed addition is for a 26 foot, but you (Mr. Rainey) suggested that the proposed addition could be 16 feet.
Mr. Rainey concurred.

Mr. Rainey explained that if the Kroll's have grounds i.e. septic tank, or field lines, (for a greater side yard setback variance) to come back before the Zoning Board of Appeals they would not have to pay the \$75.00 application fee, but would have to pay for the public notice and the certified letters.

3. **Wade Lyles** was requesting a continuation of a conditional use permit he received on February 1, 1994, to operate an auto shop with tire sales. Subject property is located at 2048 Scotty Parker Road, Gallatin, Tn., is on tax map 92, parcel 6.04, contains 8.51 acres, and is zoned agricultural.

The adjoining property owners were notified by regular mail.

Mr. Lyles was present to explain and represent this request.

Chairman McKee opened the floor for the public hearing.
There was no one present to speak for or against this request.

Mr. Lyles stated they are in the process working with the State regarding placement of a sign on the right-of-way.

Mr. Rainey stated that if he gets a new sign he will have to come back before the Zoning Board of Appeals.

There was discussion.

Motion to continue this conditional use for two more years by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.

Meeting adjourned 6:30 p.m.